IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4982 of 2005

Between:

1 K.Yadaiah, s/o Mallaiah,
r/o 10-3-162/27/2, Ambedkarnagar, Secunderabad.
2 Smt.S.Mallamma, w/o S.Bala Narasaiah,
r/o 10-3-162/38, Ambedkarnagar, Secunderabad.
3 Mohd.Afzal, s/o Mohd.Abdul Baig,
r/o 10-3-102/160, Ambedkarnagar, Secunderabad.

..... PETITIONERS

AND

1 The District Collector, Hyderabad District, Hyderabad.
2 The Revenue Divisional officer, Secunderabad, Hyderabad District.
3 The Mandal Revenue officer, Maredpally Mandal, Hyderabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of Mandamus declaring the action of the respondents in not permitting the petitioners to carry on with the construction of pucca houses in their respective plots as per the Patta certificates in respect of their plots situated in Sy.No.77 of Ambedkarnagar Slum Area, East Maredpally, Secunderabad, as illegal, arbitrary and contrary to law and consequently direct the respondents not to interfere with the construction of houses by the petitioners in their respective plots; and pass such other or further orders as are necessary.

Counsel for the Petitioner : MR. J.KANAKAIAH

Counsel for the Respondents : GP FOR REVENUE

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.4982 OF 2005

ORAL ORDER :

This writ petition is filed by three persons who claim to be the houseless poor and staying in Ambedkar Nagar Railway Nilayam Slum Area, seeking a Writ of Mandamus declaring the alleged action of the respondents in not permitting the petitioners to carry on with the construction of pucca houses in their respective plots situated in Sy.No.77 of Ambedkar Nagar Slum Area, Maredpally Village and Mandal, Hyderabad Distdrict as arbitrary and illegal.

The learned Government Pleader for Revenue, under instructions, states that Ambedkar Nagar Railway Nilayam Slum Area is located in Sy.No.77 of Maredpally Village and Mandal, Hyderabad District and the same is notified as slum area. It is also stated that total 362 patta certificates were issued to the beneficiaries in Dr. Ambedkar Nagar Railway Nilayam Slum in three phases and after physical

verification, 273 beneficiaries were found to be genuine. There is a sanctioned lay out for 175 plots under G+1 Housing Scheme in the slum. It is also stated that as per the instructions of the District Collector, door-to-door verification was conducted by the revenue officials and that apart a Fact Finding Committee has been constituted by the local M.L.A. and after due verification they have also submitted a report to the Revenue Divisional Officer, Secunderabad. On the basis of the said reports, the District Collector is yet to take a decision. It is further stated that the slum dwellers are instructed not to take up any type of construction work till the allottment is confirmed by the Revenue Divisional Officer. The petitioners herein are allotted plots as per G+1 Scheme by the District Manager (Housing) under

the Housing Scheme, however construction is not permitted by the Revenue Authorities and the District Manager. As a matter of fact, there is no provision to construct the houses on the patta certificates issued and therefore the individuals are not supposed to make any construction on their own.

Having regard to the submissions made by the learned Government Pleader for Revenue, the relief as prayed for cannot be granted and the petitioners cannot be permitted to proceed with any constructions in the respective plots in their occupation. However, it is made clear that the petitioners shall not be dispossessed from the respective plots in their occupation without following due process of law.

The Writ Petition is accordingly disposed of. No costs.

16th March, 2005.

gbs

To

1 The District Collector, Hyderabad District, Hyderabad.
2 The Revenue Divisional officer, Secunderabad, Hyderabad District.
3 The Mandal Revenue officer, Maredpally Mandal, Hyderabad District.

4. Two CCs to G.P. for Revenue, High Court of AP Blds, Hyderabad (OUT).

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